

REHEARING SEP 20 2004



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27 Aug 2004

ORIGINAL

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Docket Clerk
Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007-2996

Re: W01004B-03-0722 - Ash Fork Water

Enclosed please find one (1) original and thirteen (13) conformed copies of an Intervenor originated document titled:

INTERVENOR APPLICATION FOR REHEARING
including
FOURTH FORMAL CALL FOR INDEPENDENT INQUIRY

Please enter for the record.

Earl M. Hasbrouck
P. O. Box 1034
Ash Fork, AZ 86320-1034
928/637-0302

EMH:mtf

Encl: Orig + 13 - Intervenor Rehearing App

Arizona Corporation Commission
DOCKETED

AUG 30 2004

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AZ CORP COMMISSION
DOCUMENT CONTROL

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REHEARING SEP 20 2004

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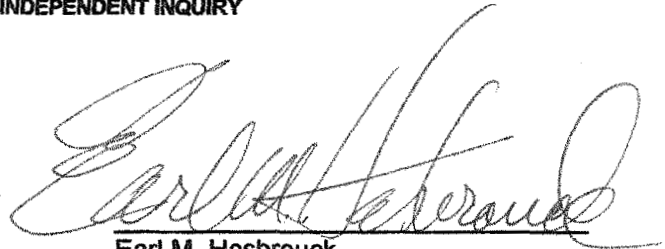
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2004 AUG 30 A 11: 10

AZ CORP COMMISSION
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DOCKET NO. 10
W-01004B-03-0722

BEFORE THE ARIZONA CORPORATION COMMISSION
(Utilities Division)
1200 West Washington
Phoenix, Arizona 85007

In re: THE APPLICATION OF ASH FORK
DEVELOPMENT ASSOCIATION, INC.
d/b/a ASH FORK WATER SERVICE
FOR A RATE INCREASE.

INTERVENOR APPLICATION FOR REHEARING
including
FOURTH FORMAL CALL FOR INDEPENDENT INQUIRY

COMES NOW THE INTERVENOR in the above captioned and docketed contested action before the Arizona Corporation Commission (hereafter "ACC," "regulatory authority," "agency" or "commission") and respectfully shows the commission that the Intervenor is informed and believes:

- 1 that **ACC Decision 67158 dated 10 Aug 2004** is unjust, unwarranted and/or unreasonable in that the proceeding has, from the very beginning, undeniably been a three-phase, bureaucratically engineered aberration in which the commission has blatantly ignored opportunity after opportunity to resolve the dispute honestly but instead deceitfully continues, with the regulatory authority's collective head buried deeply in the muck and mire of political absurdity, to carry on an unjustified and indefensible abuse of the duties of the office of *The Arizona Corporation Commission* via device and artifice intended to allow Ash Fork Water to exploit the water utility's consumer constituency to pay for transactions of the utility clearly beneficial mainly to commercial interests, real estate speculators and developers.
- 2 that **ACC Decision 67158 dated 10 Aug 2004** is unjust, unwarranted and/or unreasonable in that the proceeding has, also from the very beginning, undeniably been a three-phase, bureaucratically engineered, contrived farce intended to achieve a predetermined end result desired by the regulatory authority and it's yet-to-be-identified friends & associates at the financial expense of a deliberately exploited, intentionally uninformed consumer public.
 - a. The undisputed sobriquet *nom de guerre*, "*The Ash Fork Water Predetermined Farce*," used by the Intervenor to describe that adverse party's perception of certain actions, inaction, deception and chicanery present during the adjudication of the three-part (soon to be four-part), bifurcated Ash Fork Well #2 infrastructure improvement project action(s) before the Arizona Corporation Commission believed to be fraudulent, misleading, exploitative, tyrannical, deceptive, unlawful and/or improper is fitting, proper and appropriate to circumstances involving the deliberate exploitation of a consumer public intended to be led to believe that a U. S. Department of Agriculture (U.S.D.A.) federal grant is paying for the entire Ash Fork Water Well #2 construction undertaking when

precisely the opposite is true.

- b. In ACC Decision 67158 dated 10 Aug 2004, the commission added insult to injury by inappropriately painting a Phase IV. road map for Ash Fork Water to use to obtain additional, predetermined sums of money in the form of a future rate increase surcharge for a project neither approved by the people nor proven to be needed or necessary.
- 3 that **ACC Decision 67158 dated 10 Aug 2004** is further unjust, unwarranted and/or unreasonable in that the document is clearly a rubber stamped version of the commission's 16 Jul 2004 uncertified draft determination opinion and order s/Brian McNeil without any consideration whatsoever given properly submitted exceptions and objections to said draft version entered into the record of this case by the intervening party on 22 July 2004 in a pleading captioned: *INTERVENOR FINDINGS, CONCLUSIONS, EXCEPTIONS & OBJECTIONS TO DRAFT DETERMINATION, OPINION AND ORDER DATED 16 JULY 2004 including UPDATED POSITION STATEMENT supplemental to Docket No. W01004B-02-0768, Docket #W01004B-03-0510 & Docket No. W01004B-03-0722 (all inclusive in their entirety & included herein by reference) and also including THIRD FORMAL CALL FOR INDEPENDENT INQUIRY*; which twenty-two page Intervenor originated document complete with inclusions is hereby restated for the record in it's entirety and included by reference in this appeal as issues or questions in need of investigation and resolution.
- 4 that **ACC Decision 67158 dated 10 Aug 2004** is further unjust, unwarranted and/or unreasonable in that the determination patently ignores evidence from the record complaining that an estimated two - three hundred thousand taxpayer dollars(±) are still unaccounted for, mysteriously having disappeared during the Ash Fork Well #2 transaction and suspected to have been wasted, misapplied or diverted for non-corporate use.
- 5 that **ACC Decision 67158 dated 10 Aug 2004** is further unjust, unwarranted and/or unreasonable in that the unaccounted for federal grant-in-aid funds, which should be available to the Ash Fork area consumer public to use to offset the cost of infrastructure improvements, remain unobtainable because the Arizona Corporation Commission deliberately refuses to utilize the inquisitorial power of the office to investigate, or cause to be investigated, insider trading, fraud, conspiracy, collusion, bid rigging, kickbacks, unjust enrichment, criminal complicity in sweetheart deals, document corruption, denial of due process, bureaucratic syndicalism, obstruction of justice, judicial bias, consumer fraud, political pandering and/or other known or unknown abuses of law and/or propriety suspected to be present in this soon to be four-part, bifurcated action.
- 6 that **ACC Decision 67158 dated 10 Aug 2004** is further unjust, unwarranted and/or unreasonable in that the determination neglects or otherwise fails to deal with the more than apparent regulatory authority breach of inquisitorial duty to identify precisely **who** is controlling **whom** at **what level** in the suspected \$2 - \$300K scam.
- 7 that **ACC Decision 67158 dated 10 Aug 2004** is further unjust, unwarranted and/or unreasonable

able in that the determination neglects or otherwise fails to deal with the obvious judicial discrimination present in this three-part (soon to be four-part) bifurcated action, including but not limited to acts of judicial bias and/or prejudice in which Ash Fork Water has been shown selective favoritism, including but not limited to the utility having been discriminatorially allowed to openly ignore, after protest, court orders to the detriment of the intervening party as well as having been allowed to participate in clear-cut clandestine endeavors intended to vexatiously delay the entry of an adverse party into the action via collusive bureaucratic chicanery.

- 8 that **ACC Decision 67158 dated 10 Aug 2004** is further unjust, unwarranted and/or unreasonable in that the determination neglects or otherwise fails to deal with unresolved issues and questions from Phase I. Docket No. W01004B-02-0768, which issues and questions the commission at that time agreed to revisit in Phase III. but now has deceptively attempted to bury beneath a deliberately misrepresented claim of estoppel.
- 9 that **ACC Decision 67158 dated 10 Aug 2004** is further unjust, unwarranted and/or unreasonable in that the determination deceptively neglected or otherwise failed to deal with the Intervenor's unresolved ***Motion For Removal*** and instead attempted to gloss over the dispute with misleading out-of-context rhetoric while ignoring the fact that said Intervenor motion was solidly based on bias, prejudice and judicial misconduct.
- 10 that **ACC Decision 67158 dated 10 Aug 2004** is further unjust, unwarranted and/or unreasonable in that the determination ignores a properly submitted complaint by twenty-five+ consumer customers of Ash Fork Water Service protesting the water utility's rate increase without providing opportunity for those protesters to speak and be heard in a forum as provided for by law.
- 11 that **ACC Decision 67158 dated 10 Aug 2004** is further unjust, unwarranted and/or unreasonable in that the proceeding on which the determination is based has been rigged by the Arizona Corporation Commission to favor the applicant, Ash Fork Water, the water utility being permitted to get through the evidentiary hearing process:
- a. without first providing all parties with copies of all application and file data complete with support documents and exhibits exactly as submitted to the regulatory authority.
 - b. without first filing an appropriate trial plan and providing a witness list;
 - c. without first presenting a formal case at trial in justification of it's request for relief;
 - d. without first showing public convenience, need and/or necessity;
 - e. without first formally presenting documentary or physical evidence in support of the cause of action on which the request for relief is based with opportunity for adverse parties to examine and challenge;
 - f. without first calling witnesses in support of the cause of action whose testimony can be cross examined and/or challenged;

thus, any party adverse to the action is left with the very limited option of challenging only what little restricted testimony is elicited from a single management person representing the utility by the presiding jurist without opportunity for the adverse party to delve any further into the utility's affairs than the judge went with his limited number of questions.

12 that **ACC Decision 67158 dated 10 Aug 2004** is further unjust, unwarranted and/or unreasonable in that:

- a. the commission erred indefensibly by deliberately refusing or otherwise failing to deal with the undisputed fact that the regulatory authority purposely neglected or otherwise corruptly failed it's mandate to enforce consumer protection laws regulating public service corporations in the state of Arizona, which indefensible lack of enforcement has resulted in the wrongful exploitation of customers of Ash Fork Development Corporation, Inc. d/b/a Ash Fork Water Service (hereafter: "Ash Fork Water" or "water utility").
- b. the commission erred further indefensibly by illegally refusing or otherwise improperly failing to deal with the regulatory authority's own internal corruption involved in the clearly preplanned exploitation of the Ash Fork, Arizona consumer public.
- c. the commission erred further indefensibly by deliberately refusing or otherwise failing to deal with the unexplained and deliberately uninvestigated known fact that an estimated \$2 - \$300,000.00 in federal grant-in-aid funds are unaccounted for in this soon to be four-part, bifurcated case, the difference between the project engineer's cost estimate to drill Ash Fork Well #2 and the dollar amount purportedly paid.
- d. the commission erred further indefensibly by deliberately attempting to conceal the fact that the missing, unaccounted for federal grant-in-aid funds were, from the very beginning of First Phase Docket No. W01004B-02-0768, suspected to be wrongfully wasted, misapplied or diverted for non-corporate use.
- e. the commission erred oppressively by becoming criminally complicit in a cover up intended to obstruct the administration of justice in the three (soon to be four) Ash Fork Water matters, wrongly refusing to conduct, or cause to be conducted , an investigation into bureaucratic wrongdoing or other impropriety during the first phase, then wrongfully refusing to conduct an evidentiary hearing into allegations of suspected corporate wrongdoing after that and then, finally, wrongly attempting to conceal the agency's complicity in the alleged cover-up by deliberately misrepresenting the legal doctrine of collateral estoppel after first also misrepresenting to the Intervenor that adjudication of the first phase action would be continued into the third phase proceeding.
- f. the commission further erred oppressively by hindering or otherwise impeding the lawful administration of justice to the detriment of the Ash Fork area consumer public by prejudicially misusing the power of the office, utilizing the agency's legal subdivisions to

advocate for the water utility instead of maintaining the unbiased neutrality required of an impartial trier of fact.

- g. the commission further erred oppressively by permitting its agency subdivisions to engage in conduct unbecoming officers of a government regulatory agency empowered with judicial capability, manipulating the judicial process at will to hinder or otherwise impede the lawful administration of justice to the considerable vexation of the intervening party and to the financial detriment of an exploited Ash Fork area consumer public.
- h. the commission further erred by oppressively deliberately refusing to act on a properly submitted Intervenor motion to remove the presiding jurist for just and ample cause, then later, in an attempt to cover up the judicial misconduct alleged, misrepresenting the intent of an Intervenor stipulation permitting said jurist one-time latitude in the interest of expediency to conduct a hearing.
- i. the commission further erred oppressively by deliberately refusing to investigate or otherwise deal with the undisputed fact that Ash Fork Well #2 was:
 - i. never determined by the consumer public to be wanted, needed or necessary;
 - ii. contracted, transacted and completed before the consumer public was ever noticed;
 - iii. a carefully engineered bureaucratic scam utilized by a corrupt government agency, or agencies, or unknown others to cover up the fact that the water utility was inappropriately intended to be used as a substitute revenue source to fund non-corporate projects beneficial mainly to select, special interests; and
 - iv. a farce to intended to conceal the fact that the two-year, three-part, bifurcated Ash Fork Water regulatory authority process which followed the water utility's initial retroactive application for financing after the money had already been wasted, misused or diverted to non-corporate use was a cover-up to protect a party or parties unknown.
- j. the commission further erred oppressively by:
 - i. corruptly refusing or otherwise failing to deal with its own internal chicanery.
 - ii. corruptly hiding regulatory authority chicanery, misrepresentation and breach of duty behind an improper cloak of estoppel.
 - iii. corruptly manipulating or otherwise denying due process.
 - iv. corruptly refusing or otherwise failing to discipline the regulatory authority's subdivisions for their avoidance of mandated protocol.
 - v. corruptly refusing to deal with the internal misdirection of communications.
 - vi. corruptly refusing to investigate or otherwise discover precisely who is responsi-

- ble for instigating and/or controlling ongoing underhanded skullduggery within the ACC clerk's office.
- vii. corruptly refusing or otherwise failing to deal with internal chicanery involving the utilization of metered postage postmarks to intentionally delay the receipt of communications well beyond the customary time in transit.
 - viii. corruptly refusing or otherwise failing to act on Intervenor motions in pleadings properly submitted.
- k. the commission further erred oppressively by acting without moral principle during the entire course of the three-part (soon to be four-part), bifurcated Ash Fork Water actions, failing it's constitutionally mandated inquisitorial powers by wrongly aiding and abetting the deliberate concealment of the water utility's historical financial records and bookkeeping information, including specifically, but not limited to, the vexatious, unjustified and indefensible refusal by the regulatory authority to use the regulatory authority's inquisitorial powers to compel the production of a professionally prepared financial history of the water utility necessary for both the consumer public as well as the commission to ascertain that the business affairs of Ash Fork Water were, in the past as well as now, being conducted in a lawful manner conducive to the best interest of the consumer public and that the corporate assets of the water utility are not being wasted, misapplied or diverted for non-corporate purposes.
- l. the commission erred grievously, abusing both the power and the duty of the office by deceitfully refusing to utilize the inquisitorial powers of the office to compel the production of a ten-year payroll history of the water utility, resulting in the vexatious consequence that neither the commission itself nor the consumer public it is mandated to protect has any idea in the world whether certain employee job classifications for the water utility are bogus, whether certain individuals employed in said pseudo employee job classifications were qualified for the position, what the duties of the said suspect pseudo job classifications actually consist of or whether those pseudo job classification duties were even performed, what the individual(s) employed in said suspicious pseudo job classifications were paid or even if said questionable pseudo job classifications were authorized.
- m. the commission compounded the above stated grievous errors by oppressively ignoring the Intervenor's impeachment of testimony by ACC staff accountant, Alexander Igwe at hearing, when the accounting professional was forced to admit under oath that he had never seen Ash Fork Water's bookkeeping records; nor had he ever even attempted a professional audit of the water utility's records; nor had he any idea whatsoever of the true financial condition of the water utility; that rather than the utilization of an appropri-

ate CPA analysis of actual historical business practices, all of Igwe's revenue projection recommendations were based simply on exploiting the Ash Fork area consumer public to pay an increased fee for services which would amortize the water utility's debt over a set period of time without regard for proper, customary accounting standards.

- n. the commission further compounded it's grievous error regarding ACC Igwe's impeachment at hearing by disregarding the fact that an arsenic removal surcharge is pure speculation at this time; that the support testimony by ACC staff at hearing was, at best, inconclusive; and, that the excessive amount of time devoted to the topic both at hearing and in ACC Determination 67158 has absolutely nothing whatsoever to do with Ash Fork Water's request for a rate increase.
- o. the commission further compounded it's grievous error by allowing the inclusion of Commissioner Jeff Hatch-Miller's conflict-of-interest hearing road map intended to further exploit the Ash Fork area consumer public with a future additional financial burden in the form of a fourth phase rate-increase surcharge that is improper in the circumstances because both the water utility and it's engineering agency have errors and omissions insurance to cover contingencies such as failure to plan for the removal of known contaminants, especially if said contingencies involve in any way, form or manner conspiracy, collusion, deception or impropriety.
- p. the commission further compounded it's already significant grievous errors by considering special interest testimony by Commissioner Jeff Hatch-Miller, who admittedly has an undenied, conflicting, direct personal relationship with members of Ash Fork Water staff and thus a moral responsibility to recuse himself from participation in the adjudication of Ash Fork Water matters.
- q. the commission erred further by deceitfully refusing to deal with it's own internal corruption which was the penultimate cause of grave financial harm done the Ash Fork area consumer public who now will have to bear the monetary cost of the \$2 - \$300,000 bureaucratic scam intended to benefit select, special interests.
- r. the commission additionally erred by vexatiously refusing or otherwise unreasonably failing to deal with the regulatory authority's own criminal complicity as alleged, aiding and abetting the exploitation of customers of Ash Fork Water Service to pay for water infrastructure improvements beneficial mainly to select, special interests.
- s. the commission erred further by vexatiously refusing or otherwise unreasonably failing to deal with legitimate Intervenor asserted claims alleging collusive, obstructionist behavior by both the regulatory authority and the water utility which led directly to the exploitation of the Ash Fork area consumer public.
- t. the commission further erred by unconscionably refusing or otherwise unreasonably

failing to investigate or otherwise deal with legitimate Intervenor asserted claims concerning suspected regulatory authority syndicalism, fraud and conspiracy involved in the exploitation of the Ash Fork consumer public.

- u. the commission erred further by unjustly refusing or otherwise unreasonably failing to deal with corrupt regulatory authority denial of due process which denial led directly to the oppressive exploitation of the Ash Fork consumer public.
- v. the commission erred further and caused indefensible grave harm to the Ash Fork area consumer public by unjustly denying due process, failing to conduct public hearings on Ash Fork matters in the locality directly affected where all the people of the community having an interest would be provided equal opportunity to speak and be heard rather than be unreasonably required to travel 150 miles to a distant Phoenix courtroom where proceedings are conducted under intimidating armed guard.
- w. the commission erred by unprofessionally refusing or otherwise unreasonably failing to utilize the regulatory authority's inquisitorial powers to investigate the fact that Ash Fork Development Association, Inc. d/b/a Ash Fork Water Service was obviously intended to be utilized as a conduit to funnel federal grant-in-aid funds to the private sector at the expense of an exploited consumer public.
- x. the commission erred in that it's refusal to investigate impropriety was unethical, a suspected attempt by the bureaucracy to cover up the fact that the greatest majority of the Ash Fork area infrastructure improvements being financed by the water utility's rate increase request were intended to benefit developers, real estate speculators and other unknown select, special interests at consumer expense.
- y. the commission erred outrageously in that judicial conduct of the entire three-part proceeding has been inappropriately skewed in a manner biased and prejudicial intended to favor the water utility and it's friends at the expense of an unaware, uninformed, intentionally exploited Ash Fork consumer public.
- z. the commission erred unconscionably, deliberately refusing use the inquisitorial powers of the agency to investigate, or cause to be investigated, what part, if any, a known convicted felon may have played in Ash Fork Water Service matters while active in management of the water utility during the course of events which led to this three-part contested action.
- aa. the commission erred scandalously, deliberately refusing or otherwise failing to acknowledge that it is not the Intervenor's obligation to conduct criminal investigations; rather, despite the regulatory authority's obvious corruption present in this and previous related actions, such duties fall to the Arizona Corporation Commission via constitutional mandate and consequently any failure by the agency to act constitutes nonfeasance,

misfeasance and/or malfeasance of office.

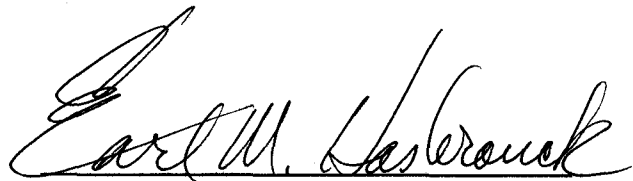
WHEREFORE, on appeal of ACC Decision 67158 dated 10 Aug 2004, Intervenor prays:

- 1 FOR THE ARIZONA CORPORATION COMMISSION TO FIND AND DETERMINE** that the root cause of this three-part (soon to be four-part) bifurcated dispute has been the predetermination factor interposed from the very beginning by a prejudicially biased regulatory authority determined to exploit the Ash Fork area consumer public to achieve at any cost and by any means the desired end result the bureaucracy wanted from the time the water utility submitted it's initial retroactive application for financing, which corruption requires investigation and rehearing.
- 2 FOR THE ARIZONA CORPORATION COMMISSION TO FIND AND DETERMINE** that:
 - a. by condoning *ultra vires* and other abuses by the water utility as alleged by the Intervenor throughout this three-part (soon to be four-part) bifurcated action; and
 - b. by becoming complicit in questionable obstructionist activities involved in the improper concealment of verifiable bookkeeping record information and data concerning the utility's financial history; and
 - c. by deliberately refusing or otherwise failing to utilize the inquisitorial powers of the agency to investigate the clearly evident disparity between the engineer's estimate for the cost of the Ash Fork Well #2 project and the actual dollar amount paid;the regulatory authority has failed it's constitutional mandate to protect the consumer public of the state of Arizona, which failure requires investigation by third-party law enforcement or such oversight agency as may have jurisdiction and a rehearing of all applicable issues in light of such complicity and failure; and
- 3 FOR THE ARIZONA CORPORATION COMMISSION TO FIND AND DETERMINE** that the inordinate amount of assignable error alleged herein concerning the performance or non-performance of certain prejudicial regulatory authority actions (or inaction(s)) by an obviously biased trier of fact constitutes gross negligence on the part of the commission in the conduct of the agency's official duties sufficient to warrant the rehearing of all issues enumerated or later discovered after intervention and/or investigation by third-party law enforcement; and
- 4 FOR THE ARIZONA CORPORATION COMMISSION TO FIND AND DETERMINE** that the suspicious mysterious disappearance of Two to Three Hundred Thousand Dollars (\$2 - \$300,000.00), the estimated sum of federal grant-in-aid funds suspected to have been wasted, misapplied or diverted to non-corporate or other improper use by a party or parties yet to be identified in this soon-to-be four-part bifurcated action, compounded by the regulatory authority's deliberate refusal or other corrupt failure to utilize the regulatory authority's inquisitorial powers to investigate that exploitative, mysterious disappearance following complaint after complaint after

- complaint by the intervening party, constitutes significant error sufficient to warrant the rehearing of all issues as well as intervention and investigation by third-party law enforcement; and
- 5 **FOR THE ARIZONA CORPORATION COMMISSION TO FIND AND DETERMINE** that the unreasonable expectation by both the water utility and the regulatory authority that the Ash Fork area consumer public should allow themselves to be exploited to make up any sum of money which has mysteriously disappeared or otherwise been wasted, misapplied or diverted to non-corporate use as is suspected to have happened in this case is *presumptuously ridiculous*, a problematical situation which requires a rehearing of all issues pertaining to that suspicious mysterious disappearance and the cover-up which followed; and
- 6 **FOR THE ARIZONA CORPORATION COMMISSION TO FIND AND DETERMINE** that in prejudicially refusing or otherwise failing to deal with the corruption present in the three (soon to be four) bifurcated Ash Fork Water actions all having a direct nexus and operational effect one upon the other, the conduct of the commission has been unethical & thus a rehearing of all issues appertaining is appropriate in the circumstances; and
- 7 **FOR THE ARIZONA CORPORATION COMMISSION TO FIND AND DETERMINE** that the conduct of regulatory authority proceedings so far has been biased and unfair; that each error enumerated herein, no matter to whom assigned or at what time it may have occurred, constitutes a significant denial of justice and/or due process by the commission and that the significant misconduct or misbehavior by commission staff misrepresenting the estoppel doctrine requires a rehearing of all issues affected by that said bias and misrepresentation; and
- 8 **FOR THE ARIZONA CORPORATION COMMISSION TO FIND AND DETERMINE** that based on the commission's ongoing pattern of deceit and misrepresentation, the regulatory authority is barred from protesting any inclusion or other reference of any nature of or to the record of ACC Docket No. W01004B-02-0768 and ACC Docket W01004B-03-0510 (included herein by reference) for consideration in this case, which record(s) demonstrate clearly and convincingly the pattern of bureaucratic syndicalism & criminal complicity present in the cover-up of circumstances involved in the mysterious disappearance of \$2 - \$300,000.00(±) in federal grant-in-aid funds; and
- 9 **FOR THE ARIZONA CORPORATION COMMISSION TO NULLIFY AND SET ASIDE DECISION 67158** in it's entirety for the reason that the determination does not rely on sound business practices; rather, the decision is based solely on the consumer public's ability to pay down the water utility's assumed debt over a set period of time via the requested rate increase without giving any consideration whatsoever to whether the increase is reasonable and prudent when compared to recent past business practices.
- 10 **FOR THE ARIZONA CORPORATION COMMISSION TO NULLIFY AND SET ASIDE DECISION 67158**

- SION 67158** in it's entirety until such time as a proper investigation into allegations of wrongdoing or impropriety has been conducted as requested by a party to the proceedings, inquiry to be performed by the appropriate oversight agency or agencies having jurisdiction with the results entered into the record of this action in a manner appropriate to the circumstances; and
- 11 FOR THE ARIZONA CORPORATION COMMISSION** to seek intervention assistance from the Office of the Arizona Attorney General or such other appropriate oversight agency with the power to investigate impropriety or wrongdoing suspected to be involved in the three, bifurcated Ash Fork Water matters having a direct nexus, to-wit: ACC Docket No. W01004B-02-0768; W01004B-03-0510; and, W01004B-03-0722; (all inclusive in their entirety and included herein by reference), in order to determine who may be responsible for the exploitation of the Ash Fork area consumer public and whether the mysteriously disappeared funds responsible for said exploitation are recoverable; and
- 12 FOR THE ARIZONA CORPORATION COMMISSION TO ORDER** a rehearing of each and every unresolved issue enumerated herein, to and including those issues or questions included by reference and/or left undetermined or otherwise unanswered in this or related actions by virtue of any form of injustice, which term is intended to include but not be limited to any form of syndicalistic corruption, any form of bureaucratic chicanery, any manipulation of due process, any form of nonfeasance, misfeasance or malfeasance, any form of deceit, deception, concealment or secrecy or any form of non-performance of duty owed, however done; and
- 13 FOR THE ARIZONA CORPORATION TO ORDER**, pursuant to the provisions of 40-253 A.R.S., a rehearing of ACC Docket No. W01004B-03-0722 to consider each and every error and issue enumerated herein, to and including those issues enumerated as being "included by reference," for the express purpose of determining whether unaccounted for U.S.D.A., RUS grant-in-aid funds awarded Ash Fork Development Association, Inc. d/b/a Ash Fork Water Service for the benefit of the water utility's consumer constituency have been wasted, misapplied or diverted for non-corporate purposes.

INTERVENOR SO MOVES on this, the 27th day of August, 2004.



Earl M. Hasbrouck, Intervenor
P. O. Box 1034
Ash Fork, AZ 86320-1034
928/637-0302

* * *
CERTIFICATE OF SERVICE
Pursuant to R-14-3-107 A.C.C.)

I, Earl M. Hasbrouck, by my signature above, do hereby certify that on the date herein recited, I have served the foregoing document on the parties of record by placing the required number of copies into the United States mail, First Class Postage prepaid, addressed to:

Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007-2996
(Original and thirteen)

Lewis Hume, Manager
Ash Fork Development Ass'n d/b/a Ash Fork Water
P. O. Box 436
Ash Fork, AZ 86320-0436
(Conformed copy)